

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

In re: OHIO EXECUTION
PROTOCOL LITIGATION,

: Case No. 2:11-cv-1016

Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

This Order relates to Plaintiff David Allen

ORDER TO SHOW CAUSE

TO: Henry J. Hilow
McGinty, Hilow & Spellacy Co., LPA
614 West Superior Ave., Suite 1300
Cleveland, Ohio 44113

S I R:

The docket in the above-captioned capital § 1983 case lists you as counsel for Plaintiff David Allen.

You signed the Fourth Amended Omnibus Complaint in this case on his behalf on September 22, 2017 (ECF No. 1252, PageID 45886). April 12, 2018, was the deadline for filing amended and supplemental complaints on behalf of individual plaintiffs. On April 16, 2018, the Court filed a Notice to Counsel of Record

It is very important to the Court to ensure that there is a designated trial attorney (see S. D. Ohio Civ. R. 83.4) for every Plaintiff in the case. All counsel of record in the case are ORDERED to examine

the list of omitted individual supplemental complaints set forth **above and advise the Court and Mr. Bohnert forthwith of the status of their representation of any of those parties.** All counsel are again advised that a telephone scheduling conference is set for 9:30 A.M. on Tuesday, April 17, 2018. Counsel who have not been regularly participating in these conferences are invited to participate and shall call 1-888-684-8852; Access code: 1931515; Security code: 123456, and wait for the Court to join the conference.

(ECF No. 1560, PageID 69431(emphasis in original)).

You did not participate in the scheduling conference on April 17, 2018. On April 18, 2018, the Court entered its Order to Clarify Status of Counsel (ECF No. 1564). Respecting Plaintiff David Allen, the Order provides:

Plaintiff David Allen has been represented in this case by attorneys John J. Ricotta and Henry Hilow who signed the Fourth Amended Omnibus Complaint on his behalf (ECF No. 1252, PageID 45885-86). However, they did not file an individual supplemental complaint on behalf of Allen, did not participate in the scheduling conference, and have not otherwise responded to the Notice to Counsel of Record.

* * *

Messrs. Cocoves, Benza, Ricotta, **Hilow**, Gibbons, Doughten, and Parker shall forthwith advise the Court of the status of their representation of the clients on whose behalf they signed the Fourth Amended Omnibus Complaint. **Failure to respond forthwith may result in sanctions.**

(ECF No. 1564, PageID 69461 (emphasis added)).

As of May 10, 2018, you have still not responded. The Court draws your attention to the first definition of “forthwith” in Black’s Law Dictionary (10th ed.): “Immediately; without delay.” Failure to respond within three weeks does not comport with responding forthwith as this Court understands it.

You are accordingly ORDERED to show cause in writing not later than May 14, 2018, why you should not be appropriately sanctioned for your failure to comply with the Court's Order of April 18, 2018.

May 10, 2018.

s/ *Michael R. Merz*
United States Magistrate Judge